



Rahm Emanuel
Mayor

Department of Police • City of Chicago
3510 South Michigan Avenue • Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

January 4, 2019

VIA E-MAIL

Freddy Martinez

65073-90440117@requests.muckrock.com

c.c.: freddymartinez9@gmail.com

Re: NOTICE OF RESPONSE TO FOIA REQUEST

REQUEST DATE: December 6, 2018

EXTENSION SENT: December 13, 2018

FOIA FILE NO.: P466567

Dear Mr. Martinez:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request stating:

*"39** West Roosevelt - Police Shooting (Chicago Police Department)...*

Therefore: I request under the Illinois FOIA law any and all records related to the police shooting including dashboard cameras, video recordings, text messages or other forms of communications that your agency may hold.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not."

Your request was reviewed by the undersigned. After consultation with the Bureau of Detectives (BOD) and the Bureau of Internal Affairs (BIA), it has been determined that said case is an open investigation with COPA as well as with BOD. Therefore, your request is denied.

BIA has indicated that once COPA's investigation is concluded, CPD's BIA will start its own internal administrative investigation. Furthermore, BOD has indicated that the criminal investigation associated with these incidents is currently an open investigation with CPD. Because it is an open case with BOD, and because reports have yet to be completed, premature release of any records could jeopardize the progress of the investigation, prosecutorial strategy, processing of evidence, and potentially places any potential witnesses in danger. Thus, your request is denied pursuant to Sections 7(1)(d)(i), 7(1)(d)(ii), and 7(1)(d)(vii).

5 ILCS 140/7(1)(d) exempts, "records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

- (i) interfere with pending or actually and reasonably contemplated law enforcement

proceedings conducted by any law enforcement or correctional agency that is the recipient of the request.

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(vii) obstruct the ongoing criminal investigation by the agency that is the recipient of the request."

If I can be of further assistance, please contact me at the following address:

Chicago Police Department
Attention: Freedom of Information
Office of Legal Affairs, Unit 114
3510 S. Michigan Avenue
Chicago, IL 60653

You have a right of review by the Illinois Attorney General's Public Access Counselor (PAC). You can file a request for review by writing to:

Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
Phone: 312-814-5526 or 1-877-299-FOIA (1-877-299-3642)
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of a denial letter. 5 ILCS 140-9.5(a). When filing a Request for Review, you must include a copy of the original FOIA request and a denial letter. You may also seek judicial review of a denial under 5 ILCS 140/11 by filing a lawsuit in the State Circuit Court.

Sincerely,

K. Washington

K. Washington, FOIA Officer
Freedom of Information Act Section
Chicago Police Department
Office of Legal Affairs